IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Bail Appl..No. 248 of 2007()

Crime No.3/07 of Meenangadi Police Station

: PETITIONERS/ACCUSED

---

1. MANOJ, S/O. VAMADEVAN,
   PARAKKAL, MUTTIL P.O., MEENANGADI,
   WAYANAD DISTRICT.

2. BIJU, S/O. SHEELA,
   MUKKANIKKAL, VALAD P.O., MANANTHAVADI,
   WAYANAD DISTRICT.

3. KUMARI, W/O. MANOJ,
   PARAKKAL, MUTTIL P.O., MEENANGADI,
   WAYANAD DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENT: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MEENANGADI POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

==========

B.A.No.248 of 2007

==========

Dated this the 22nd day of january, 2007.

ORDER

Petitioners, who are accused Nos.1 to 3 in Crime No.3 of 2007 of Meenangadi Police Station for offences punishable under Sections 447, 324 and 326 read with Section 34 I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The occurrence took place at 9.30 p.m. on 4.1.2007 during the course of which the de facto complainant was attacked with a chopper by A1 and A3. A2 was allegedly using a stick.

4. Having regard to the fact that it was A1 who inflicted cut injuries with chopper, which has to be recovered, I am not inclined to grant anticipatory bail to A1. At the same time, I am inclined to give an opportunity to the first accused-first petitioner herein to surrender before the Investigating Officer for custodial interrogation and then to have his application for regular bail considered and disposed of by the Magistrate expeditiously. Accordingly, the first accused – first petitioner herein is directed to surrender before the Investigating Officer on any day between 23.1.2007 and 25.1.2007 for the purpose

of custodial interrogation and recovery of incriminating material, if any. The first accused – first petitioner herein shall thereafter be produced before the Magistrate having jurisdiction on the same day. His application for bail, if any, shall be disposed of by the Magistrate preferably on the same date on which it is filed.

5. In the case of accused Nos. 2 and 3, who are a neighbour of A1 and wife of A1 respectively, I am inclined to grant anticipatory bail to them. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release petitioners 2 and 3 on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioner No.2 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 2 and 3 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 2 and 3 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 2 and 3 shall not commit any offence while on bail.

5. Petitioners 2 and 3 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If petitioners 2 and 3 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is partly allowed as above.

V.RAMKUMAR,
JUDGE.

ess 22/1